

**Amendment No. 1 to SB3106**

**Person  
Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

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**House Bill No. 3034\***

by deleting SECTION 1 of the printed bill in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 24-7-112(a)(1), is amended  
by adding the following new subdivision (C) to subdivision (1):

(C) In any case, except terminations of parental rights or adoptions under title 36 or title 37, in which the paternity of a child is at issue and the question of parentage arises, and an agreed order or divorce decree has been entered finding that an individual is not the parent of the child, the finding shall not be entitled to preclusive effect unless the finding was based upon scientific tests to determine parentage which excluded the individual from parentage of the child in question.

AND FURTHER AMEND by deleting subdivision (a)(1) of SECTION 2 of the amendatory language of the printed bill in its entirety and by substituting instead the following:

(1)(A) The department of human services child support payment records shall be the official records for all payments which have been appropriately sent to the central collection and distribution unit pursuant to § 36-5-116.

(B) Notwithstanding any other law or rule of evidence to the contrary, a computer printout or copy, by telecopier facsimile or otherwise, an electronic mail copy or copy obtained by way of internet access, of the child support payment screen which is generated from the Tennessee Child Support Enforcement System (TCSES) operated by the department of human services or its contractors, shall be admitted into evidence as a non-hearsay, self-authenticating

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document in all judicial and administrative proceedings without the need for certification by a records custodian.

AND FURTHER AMEND by deleting subsection (b) of SECTION 2 of the amendatory language of the printed bill in its entirety and by substituting instead the following:

(b)(1) In order to implement the provisions of subsection (a) and to provide access to any other requesting persons, the department of human services shall develop child support program policies and procedures which allow the department, through its staff or its contractors, to provide copies of payment information from the TCSES child support payments screens utilized by the department or its contractors to any person requesting such information. The department may provide such information in any suitable manner which provides the information necessary for judicial or administrative proceedings under subsection (a) including, but not limited to, the transmission of the hard-copy prints of the TCSES child support payment screens by facsimile or by transmission by any electronic means, and may, specifically, make such payment records available through electronic mail of the record, or by internet access to information contained on TCSES. The department may establish a reasonable fee for such services.

(2) Any individual who knowingly alters, or who assists any individual to alter, any information obtained from the department pursuant to this section and such altered information is utilized for the purposes of establishing, enforcing, or modifying child or spousal support or defending such actions, or for the purposes

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of defending or prosecuting any contempt action involving child or spousal support, shall be guilty of a Class A misdemeanor.

AND FURTHER AMEND SECTION 2 of the amendatory language of the printed bill by deleting the language "and clerks of the court" in current subsection (c).

AND FURTHER AMEND SECTION 2 of the amendatory language of the printed bill by deleting the language "or employee" wherever it appears in subsection (d) and by substituting instead the punctuation and language ", employee or contractor of the department of human services".

AND FURTHER AMEND by deleting SECTIONS 5, 6, 7, 13 and 14 of the printed bill in their entireties.

AND FURTHER AMEND SECTION 10 of the printed bill by adding the following language at the end of the amendatory language:

This provision is not intended to limit the discretion of the courts to tax costs to the individual parties on non-Title IV-D issues such as custody or visitation.

AND FURTHER AMEND SECTION 12 by deleting the amendatory language of the printed bill in its entirety and by substituting instead the following language:

(t) No provision, finding of fact or conclusion of law in a final decree of divorce or annulment or other declaration of invalidity of a marriage which provides that the husband is not the father of a child born to the wife during the marriage or within three hundred (300) days of the entry of the final decree or which names another person as the father of such child shall be given preclusive effect unless scientific tests to determine parentage are first performed and the results of the test which exclude the husband from parentage of the child or children or which establishes paternity in another

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person are admitted into evidence. The results of such parentage testing shall only be admitted into evidence in accordance with the procedures established in § 24-7-112.

AND FURTHER AMEND SECTION 15 of the amendatory language of the printed bill by deleting subdivisions (e)(1) and (e)(2) in their entirety, and by substituting instead the following new subdivisions (1), (2) and (3) and by re-numbering existing subdivisions accordingly:

(1) If, after prior warning notification by the department of human services of failure to provide the information with the payments as required by this section, any employer, or other payer of income, fails or refuses to comply with the requirements of this section, the violator shall be subject to a civil penalty of one hundred dollars (\$100.00) per individual for whom the required information is not provided upon the first failure to comply, two hundred dollars (\$200.00) per individual for the second failure to comply and five hundred dollars (\$500.00) per individual for each occurrence thereafter. The warning notification shall specifically state the information required to be submitted and the information omitted by the employer or other payer of income, shall provide a telephone number for questions, and shall set forth the penalties for failure to comply, referencing statutory authority.

(2) If, after prior warning notification by the department of human services of failure to provide the information with the payments as required by the section, any obligor fails or refuses to comply with the requirements of this section, the violator shall be subject to a civil penalty of one hundred dollars (\$100.00) or an amount equal to twenty-five percent (25%) of the obligor's monthly support

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obligation, whichever is less, for the first failure to provide the required information, two hundred dollars (\$200.00), or an amount equal to fifty percent (50%) of the obligor's monthly obligation, whichever is less, for the second failure to comply and five hundred (\$500.00) or an amount equal to the obligor's monthly support obligation, whichever is less, for each occurrence thereafter. The warning notification shall specifically state the information required to be submitted and the information omitted by the obligor, shall provide a telephone number for questions, and shall set forth the penalties for failure to comply, referencing statutory authority.

(3) Any employer, payer of income or obligor who conspires not to provide the information required by this section or who conspires to provide false or incomplete information shall each be subject to a civil penalty of five hundred dollars (\$500).

AND FURTHER AMEND SECTION 15 of the amendatory language of the printed bill by deleting the code reference "4-5-322" in subdivision (e)(8) and by substituting instead the code reference "36-5-1003".

AND FURTHER AMEND SECTION 15 of the amendatory language of the printed bill by deleting subsection (f) in its entirety.

AND FURTHER AMEND SECTION 19 of the printed bill by deleting the second sentence of the amendatory language and by substituting instead the following language:

The employer, the health insurance provider, the plan administrator or such other entity that provides health insurance to a parent shall allow claims to be filed by the

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custodial parent or by the state, shall provide the custodial parent or the state with all necessary forms and information and enrollment documents necessary to submit claims on behalf of the children, shall send the explanation of benefit statements to both the custodial parent as well as the employee and shall send reimbursement to the custodial parent. The employee, after receiving an income assignment containing a health insurance provision must immediately provide a copy of the income assignment to the appropriate health insurance provider or other entity which is responsible for enrollment of the child or children. Receipt by the employer of such an income assignment order is deemed receipt by the health insurance provider or other entity, which is responsible for the enrollment of the child or children.

AND FURTHER AMEND SECTION 22 by deleting the directory language in its entirety and by substituting instead the following:

Tennessee Code Annotated, Section 36-5-501(b) is amended by adding the following as a new subdivision (5):

AND FURTHER AMEND SECTION 22 by deleting the number "(4)" at the beginning of the amendatory language and by substituting instead the number "(5)".

AND FURTHER AMEND SECTION 23 by deleting the first sentence of the amendatory language of the printed bill and by substituting instead the language:

If there are children to whom the obligor is still obligated to pay support, though a change of circumstances has occurred as a result of the discontinuation of the obligation to at least one (1) child, the obligor may not seek termination of the income assignment order, but must seek modification of the support order.

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AND FURTHER AMEND SECTION 27 of the amendatory language of the printed bill by changing the designation "(c)(A)" of the amendatory language to "(c)(1)" and by changing the designation "(B)" in subsection (c) of the amendatory language to "(2)".

AND FURTHER AMEND SECTION 31 of the printed bill by deleting the directory language of SECTION 31 in its entirety and by substituting instead the following:

Tennessee Code Annotated, 36-5-1001, is amended by deleting the punctuation and word "; and" at the end of subdivision (a)(1)(I) and by substituting instead a semicolon (;), by deleting the period (.) at the end of subdivision (a)(1)(J) and by substituting instead a semicolon (;), and by adding the following new subdivisions to subdivision (a)(1) as follows:

AND FURTHER AMEND by deleting SECTION 32 of the printed bill in its entirety and by substituting instead the following:

SECTION 32. Tennessee Code Annotated, 36-5-1002(a), is amended by deleting subdivision (5) in its entirety and by substituting instead the following new subdivision (5):

(5) Review of income assignment orders pursuant to § 36-5-501 is limited to:

(A) For the issuance of the initial order or income assignment:

(i) The correct identity of the individual subject to the order;

and

(ii) A mistake of fact.

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(B) For the issuance of an income assignment due to a delinquency pursuant to § 36-5-501(b)(1)(B) or (D):

(i) The amount of support not paid; or

(ii) The timeliness of the support paid;

(C) For the addition of an amount ordered pursuant to § 36-5-501(b)(1)(C) to satisfy accumulated arrears, if the court has not already determined the amount of arrears, the reasonableness of the amount ordered paid on the arrears and, in the case of accumulated arrears, the period of time over which support is ordered to be paid;

(D) For the addition of an amount ordered pursuant to § 36-5-501(b)(1)(C) for medical support, if the court has not already determined the amount of medical support, the reasonableness of the amount of medical support ordered;

(E) For termination of an income assignment, that the conditions of § 36-5-503 have been met.

AND FURTHER AMEND SECTION 34 of the printed bill by deleting the language and numbers “parts 21-29” and by substituting instead the language and numbers “parts 20-29”.

AND FURTHER AMEND the printed bill by inserting the following as new SECTIONS 45, 46 and 47 and by re-designating existing SECTION 45 of the printed bill accordingly:

SECTION 45. Tennessee Code Annotated, Section 36-5-1001(c), is amended by designating the existing language as subdivision (1) of subsection (c) and by adding the following language as a new subdivision (2):



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(2)(A) Notwithstanding any other provisions of this part or any other law to the contrary, in counties having a population of not less than eight hundred twenty-six thousand (826,000) and not more than eight hundred and twenty-seven thousand (827,000) according to the 1990 Federal census, any review of the administrative actions of the department shall not be heard by contested case hearing before the department, but shall be reviewed by the juvenile court of such county pursuant to the provisions of this part.

(B) Any administrative reviews of cases that are subject to an existing order of the juvenile court of such county pending on the effective date of this act that have not been heard by the department of human services under the contested case provisions of title 4, chapter 5, part 3, shall be transferred to such court by the department and shall be heard by the juvenile court of such county.

(C) Any further review of the court's decision involving such administrative actions shall be obtained by following the procedures for any appeals provided by law for the review of any other decisions of such court.

SECTION 46. Tennessee Code Annotated, Section 36-5-1002(a), is amended by adding the following as a new subdivision (14):

(14) Review of a civil penalty for failure to comply with the provisions of § 36-5-120 shall be limited to whether there is good cause for failure to comply with the provision of that section.

SECTION 47. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the

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act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

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